

**United States District Court
Northern District of New York**

JUDGMENT IN A CIVIL CASE

MARIE BARILLA

Plaintiff

VS.

8:05-CV-1237 (DEP)

**COMMISSIONER OF SOCIAL SECURITY,
Michael J. Astrue**

Defendant

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the plaintiff's motion for judgment on the pleadings is granted, the Commissioner's determination that plaintiff was not disabled at the relevant times, and thus is not entitled to benefits under the Social Security Act is vacated, the Complaint filed by Marie Barilla is hereby remanded to the Commissioner without a directed finding of disability, for further proceedings consistent with this determination.

All of the above pursuant to the Order of the Honorable Magistrate Judge David E. Peebles dated the 14th day of March, 2008.

DATE

LAWRENCE K. BAERMAN

CLERK OF COURT

s/

**JOANNE BLESKOSKI
DEPUTY CLERK**